

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAVIER ARANDA-FRANCO,

Defendant.

CASE NO: 2:23-CR-0069-TOR-2

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
SETTING SENTENCING SCHEDULE

On June 26, 2025, Javier Aranda-Franco appeared before Magistrate Judge Alexander C. Ekstrom, waived indictment by a grand jury and entered a plea of guilty to Count 1 of the Information through a written plea agreement, charging him with Contempt, in violation of 18 U.S.C. § 401(3). *See* ECF Nos. 50-53. The Defendant was represented by Asst. Federal Defender Justin Lonergan and assisted by the Court's certified interpreter. United States Attorney Richard Barker appeared on behalf of the government. On June 27, 2025, Magistrate Judge Alexander C. Ekstrom issued a Report and Recommendation (R&R) recommending the Court accept Defendant's plea of guilty and set a deadline of 14

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1 days for the filing of objections to the R&R. ECF No. 55. The deadline has now
2 expired with no objections having been filed. Accordingly, the Court adopts the
3 R&R and sets the following sentencing schedule.

4 **ACCORDINGLY, IT IS HEREBY ORDERED:**

5 1. A sentencing hearing is set for **October 8, 2025, at 2:30 p.m.**, in
6 Spokane Courtroom 902. Absent truly exigent circumstances, the Court will not
7 consider a request for a continuance of sentencing unless: (1) the request is made
8 by written motion, (2) in accordance with LCivR 7, and (3) the motion and
9 supporting declaration are filed at least seven (7) days before the scheduled
10 sentencing hearing.

11 2. The Defendant shall remain in the custody of the U.S. Marshal's Service
12 pursuant to the detention order in this matter. ECF No. 36. **If a sentence of**
13 **incarceration is imposed, the Defendant shall remain in the custody of the U.S.**
14 **Marshal's Service.**

15 3. The United States Probation Office shall prepare a Presentence
16 Investigation Report (PSIR) pursuant to Fed. R. Crim. P. 32(c).

17 4. Not later than **August 27, 2025**, the probation officer shall disclose the
18 Presentence Investigation Report to the Defendant, counsel for Defendant, and the
19 Government. Disclosure of the Presentence Investigation Report shall be subject
20 to the limitations imposed by Rule 32 of the Federal Rules of Criminal Procedure.

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1 5. Not later than **September 10, 2025**, counsel shall communicate in
2 writing to the probation office (and opposing counsel) any objections they may
3 have as to legal and factual errors or omissions; sentencing classifications;
4 sentencing guideline ranges; and policy statements contained in or omitted from
5 the report. If an objection is filed, the probation officer shall conduct such
6 additional investigation as is necessary to assess the merits of the objection.

7 6. The probation officer shall submit the final Presentence Investigation
8 Report to the Court by **September 24, 2025**. The report shall be accompanied by
9 an addendum setting forth any objections counsel may have made, including those
10 that have not been resolved, together with the officer's comments and
11 recommendations thereon.

12 7. Not later than **September 24, 2025**, counsel shall file and serve all
13 motions and memoranda pertaining to Defendant's sentence, including departures
14 and variances, and sentencing recommendations. **FAILURE TO FILE AND**
15 **SERVE SENTENCING MATERIAL, TO INCLUDE MOTIONS OR**
16 **MEMORANDA FOR UPWARD OR DOWNWARD DEPARTURE AND**
17 **VARIANCES, BY THIS DATE WILL BE DEEMED A WAIVER OF THE**
18 **RIGHT TO DO SO.**

19 8. Not later than **October 1, 2025**, the opposing party shall file and serve its
20 response limited to no more than seven (7) pages.

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1 9. If either party intends to call witnesses or proffer exhibits at sentencing,
2 witness and exhibit lists must be exchanged by the parties and provided to the
3 Court no later **October 1, 2025**. This includes the names of any party who
4 requests to address the Court prior to the imposition of sentence.


5 10. All pending motions are **DENIED as moot** and all pending hearing and
6 trial dates are stricken from the Court's calendar.

7 11. The District Court Executive is authorized to accept Defendant's \$100
8 payment which shall be applied to the Special Penalty Assessment.

9 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
10 this Order and provide copies to counsel, the United States Probation Office, and
11 the United States Marshal's Service.

12 DATED July 17, 2025.




THOMAS O. RICE
United States District Judge